

APPENDIX 5

734
FCC MAIL SECTION

MAY 11 8 55 AM '95 FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

May 5, 1995

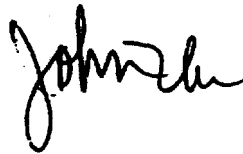
DISPATCHED BY

IN REPLY REFER TO:
8910-JAV
STOP CODE 1800B2

Chameleon Radio Corporation
10865 Rockley Road
Houston, TX 77099

Re: Radio Station KIOX-AM
Bay City, TX

This is in reference to licensee letter dated 4/21/95. Effective 5/5/95. Temporary authority granted to relocate the station .25 Km from presently authorized site to the geographic coordinates NL: 29° 38' 10" WL: 95° 32' 32" due to loss of authorized site. Operating power will be 1,000 watts during daytime hours and 100 watts during nighttime hours utilizing a nondirectional mode on a frequency of 1270 kHz. The type antenna to be used is a self-support, series excited, folded unipole 54.86 m (180') tower producing an inverse distance field of 323.5 mv/m/kW. This tower is one of the three existing towers array. You are cautioned that proceeding with this authority and any construction incident there to are undertaken entirely at your own risk and that this authority does not in any way prejudice what ever action may be taken with regard to your construction permit when filed. This authority is granted in consideration of your good faith and representation that you will submit a completed and acceptable FCC Form 301 prior to expiration of this authority. Reduce power further if interference complaints are received. Your obligation to notify regional F.A.A. of the proposed tower of any possible lighting or marking requirements which are governed by Part 17 of the F.C.C. Rules with which you must comply as a precondition to use this authority. This authority expires 8/1/95.



James R. Burtle
Chief, AM Branch
Audio Services Division
Mass Media Bureau

John Vu
Engineer

EIC- Houston

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FCC MAIL SECTION

MAY 16 3 14 PM '95 FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

May 12, 1995

DISPATCHED BY

IN REPLY REFER TO:
8910-JAV
STOP CODE 180082

Chameleon Radio Corporation
10865 Rockley Road
Houston, TX 77099

Re: Radio Station KIOX-AM
Bay City, TX

This supersedes STA letter dated 5/5/95 to correct transmitter location and power of operation. This is in reference to licensee letter dated 4/21/95. Effective 5/5/95. Temporary authority granted to relocate the station from presently authorized site to the geographic coordinates NL: 29° 38' 14" WL: 95° 32' 24" due to loss of authorized site. Operating power will be 300 watts during daytime hours and 50 watts during nighttime hours utilizing a nondirectional mode on a frequency of 1270 kHz. The type antenna to be used is a self-support, series excited, folded unipole 54.86 m (180') tower producing an inverse distance field of 323.5 mv/m/kW. This tower is one of the three existing towers array. You are cautioned that proceeding with this authority and any construction incident there to are undertaken entirely at your own risk and that this authority does not in any way prejudice what ever action may be taken with regard to your construction permit when filed. This authority is granted in consideration of your good faith and representation that you will submit a completed and acceptable FCC Form-301 prior to expiration of this authority. Reduce power further if interference complaints are received. Your obligation to notify regional F.A.A. of the proposed tower of any possible lighting or marking requirements which are governed by Part 17 of the F.C.C. Rules with which you must comply as a precondition to use this authority. This authority expires 8/1/95.



James R. Burtle
Chief, AM Branch
Audio Services Division
Mass Media Bureau

John Vu
Engineer

EIC- Houston

(2)

APPENDIX 6

FCC MAIL SECTION

MAY 19 12 54 PM '95

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

May 18, 1995

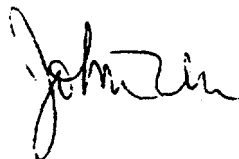
DISPATCHED BY

IN REPLY REFER TO:
8910-JAV
STOP CODE 1800B2

Chamelon Radio Corporation
10865 Rockley Road
Houston, Tx 77099

Re: Radio Station KIOX-AM
Bay City, TX

This refers to your above-captioned Special Temporary Authority (STA) which was granted on May 5, 1995. Effective 5/18/95. The STA was granted to allow KIOX-AM continuing to serve the public. However, further study of your STA request reveals that KIOX-AM does not cover its city of license, Bay City, TX from the proposed transmitter site in contravention of Section 73.24(i) of the rules. Therefore, the grant of your STA is **HERE BY RESCINDED**, and the licensee should return to its licensed site. Alternatively, if necessary, KIOX-AM should request an STA to remain silence until its finds a new site which covers Bay City.



James R. Burtle
Chief, AM Branch
Audio Services Division
Mass Media Bureau

John Vu
Engineer

EIC- Houston

APPENDIX 7

FCC MAIL SECTION

MAY 19 12 54 PM '95

DISPATCHED BY

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

May 18, 1995

IN REPLY REFER TO:
8910-JAV
STOP CODE 180082

Chamelon Radio Corporation
10865 Rockley Road
Houston, Tx 77099

Re: Radio Station KIOX-AM
Bay City, TX

This refers to your above-captioned Special Temporary Authority (STA) which was granted on May 5, 1995. Effective 5/18/95. The STA was granted to allow KIOX-AM continuing to serve the public. However, further study of your STA request reveals that KIOX-AM does not cover its city of license, Bay City, TX from the proposed transmitter site in contravention of Section 73.24(i) of the rules. Therefore, the grant of your STA is **HERE BY RESCINDED**, and the licensee should return to its licensed site. Alternatively, if necessary, KIOX-AM should request an STA to remain silence until its finds a new site which covers Bay City.

James R. Burtie
Chief, AM Branch
Audio Services Division
Mass Media Bureau

EIC- Houston


John Vu
Engineer

I hereby stay the effectiveness of the order
James R. Burtie
Chief Audio Services
5-25-95

Federal Communications Commission

Docket No. 96-173 Exhibit No. App 8

Presented by ~~213~~ ~~Chameleon~~ Chameleon

Disposition { Identified X
Received X
Rejected _____

Reporter JS

Date 2-24-97

APPENDIX 8

FCC MAIL SECTION

JUL 26 10 50 AM '95

DISPATCHED BY

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUL 25 1995

In Reply Refer To:
1800B3-KDY

VIA TELECOPIER AND CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Don Werlinger,
President
Chameleon Radio Corporation
10865 Rockley Road
Houston, Texas 77099

In re: KFCC(AM) Bay City, Texas
(formerly KIOX(AM))
Letter of Inquiry

Dear Mr. Werlinger:

On May 5, 1995, the Commission granted Chameleon Radio Corporation ("Chameleon") a special temporary authority ("STA") to operate station KFCC(AM) at variance from its licensed parameters.¹ As set forth in greater detail below, on May 25, 1995, the Chief, Audio Services Division, Mass Media Bureau, stayed a rescission of that STA grant pending a further clarification of the record.² In addition, since the entry of the stay, two licensees have filed objections complaining of, among other things, electrical interference caused by KFCC(AM)'s STA operation. This letter seeks further information from Chameleon.

Background. Station KFCC(AM) is licensed to serve Bay City, Texas, on 1270 kHz with a transmitter power of 1000 watts (DA-N), from a site 5.8 km northeast of Bay City, Texas ("Bay City Site"). The Commission's records indicate that KFCC(AM)'s main studio is located at the Bay City Site.

On April 18, 1995, the Commission approved an application assigning KFCC(AM)

¹ The subject STA expires on August 1, 1995.

² Pursuant to 47 C.F.R. § 73.1635(a)(5)(b), the Commission may modify or cancel without prior notice or hearing any STA.

Federal Communications Commission

Docket No. 96-173 Exhibit No. App 8

Presented by Chameleon

Disposition { Identified X
Received X
Rejected _____

Reporter YB

Date 2-24-97

from Landrum Enterprises ("Landrum")³ to Chameleon (BAL-950216EA). Documents associated with the application provide that Chameleon would, upon consummation, assume an existing lease for the Bay City Site from Landrum and then, simultaneously, sublease the Bay City Site back to Landrum. Those documents do not indicate whether Chameleon maintains a post-consummation right to the Bay City Site. On May 11, 1995, Landrum filed a letter with the Commission stating that the subject transaction had been consummated. The letter did not, however, identify the actual date of consummation.

Meanwhile, on April 21, 1995, Chameleon, filed a request for STA, describing itself as KFCC(AM)'s licensee. Chameleon claimed a need to relocate the station's transmitter "[d]ue to the loss of its currently licensed site." Chameleon proposed to operate from "rural southwest Harris County" ("Harris County Site") at coordinates N29-38-10, W95-32-22 and requested authority to operate nondirectionally at 1000 watts day, 250 watts night. Chameleon further proposed "to utilize a [180'] tower supporting a folded unipole antenna system." Chameleon also stated that, on April 20, 1995, it sought "FAA authority to construct." Claiming that the STA operation will produce no prohibited overlap - "with the exception of KWHI(AM), Brenham, Texas" - Chameleon stated that it intended to file an FCC Form 301 application to seek permanent authority for operations from the Harris County Site. Pursuant to an oral conversation with the Commission staff, Mr. Werlinger was informed that this STA could not be granted because it appeared to involve construction of a new tower.

In response, on May 2, 1995, Chameleon amended its STA request. Chameleon submitted an amended Figure E-1 correcting the coordinates of the "existing 180' tower" to N29-38-14, W95-32-24. Chameleon stated that "[t]he tower in our original proposal will be the center tower of what will be a three tower array." Chameleon also stated that it intended to file an FCC Form 301 "within 30 days of placing the STA on the air."

On May 5, 1995, the Commission staff granted Chameleon STA to operate with the parameters described in the initial STA request. That letter indicated that the staff believed the STA site to be only 0.25 km from the licensed site.⁴ After further study, though, on May 12, 1995, the Commission staff superseded its May 5 letter to instead specify the amended STA tower coordinates and to reduce KFCC(AM)'s operating power to 300 watts daytime and 50 watts nighttime. Subsequently, on May 18, 1995, the Commission staff issued a letter to Chameleon rescinding the STA ("Rescission Letter"). The Commission staff stated that further study had revealed that KFCC(AM) could not cover its community of license, Bay

³ Landrum remains the licensee of station KIOX(FM). Commission records indicate that KIOX(FM) operates from a site 39.4 km southwest of Bay City and that the KIOX(FM) main studio is located on the Bay City Site.

⁴ This statement in the May 5th letter is incorrect and was the result of inadvertent staff error in interpreting Chameleon's amended Figure E-1.

City, Texas, from the Harris County Site in apparent contravention of 47 C.F.R. 73.24(i). The Recision Letter, however, was stayed on May 25, 1995 by action of the Chief, Audio Services Division, Mass Media Bureau, pending further clarification of the record.

Two licensees have filed objections requesting cancellation of the subject STA. In letters dated May 23, 1995 and June 20, 1995, South Texas Broadcasting, Inc. ("South Texas")⁵ alleges that the subject STA violates "clear technical standards" as the STA site is located approximately fifty (50) miles from the Bay City Site, causes prohibited interference to stations KESS(AM), Fort Worth, Texas and KWHI(AM), Brenham, Texas, and does not provide coverage of KFCC(AM)'s community of license. South Texas further contends that documents associated with Chameleon's recent assignment application indicates that Chameleon voluntarily assigned away to Landrum the right to use KFCC(AM)'s licensed site. The second objection comes from a July 20, 1995, "Petition for Immediate Cancellation of STA" filed by Tom S. Whitehead, Inc. ("Whitehead").⁶ Whitehead contends that Chameleon has not justified the need for an alternative site and that grant of STA to operate at the Harris County Site "is inappropriate and ultra vires." Whitehead also attaches a technical study, supported by affidavit, alleging that "more than 100,000 people in KWHI's primary groundwave service contour who previously did not experience interference from KFCC now receive interference from KFCC."⁷

Discussion/Inquiry. Section 73.1635(a) of the Commission's Rules provides for the issuance of an "STA to a licensee to permit the operation of a broadcast facility for a limited period at a specific variance from the terms of the station authorization or requirements of the FCC rules applicable to the particular class of station." 47 C.F.R. §1635(a). Any STA request must "fully describe the proposed operation and the necessity for the requested STA." 47 C.F.R. § 73.1635(a)(2). In view of the facts presented above, we require the further information set forth below.

First, when an applicant requests an STA pursuant to a transmitter site "loss", our policy is to require that the site "loss" be beyond the applicant's control before granting STA. Chameleon's STA request does not fully describe the factors concerning the "loss" of the Bay City Site. Therefore, please address the following:

1. Provide specific details concerning: (a) the circumstances under which

⁵ South Texas is the licensee of KENR(AM), Houston, Texas,

⁶ Whitehead is the licensee of KWHI(AM), Brenham, Texas.

⁷ Our review of this technical study indicates, however, that Whitehead bases his conclusion on a contour overlap study rather than an interference study. Only a portion of the area receiving overlap receives interference. Additionally, at least some of the data relied upon in the study do not meet the Commission's technical standards for proper analysis due to the lack of sufficient number of measurement points.

Chameleon "lost" the Bay City Site and the date that the "loss" occurred; (b) Chameleon's present legal right of access to the Bay City Site in view of the sublease given to Landrum; (c) the present status of the KFCC(AM) transmission facility at the Bay City Site, and if the status has been changed, the date of any such change and all details concerning the nature and extent of that change; and (d) the present address of the KFCC(AM) main studio.

Second, in cases where the applicant's proposed STA operations do not allow for the continued placement of a principal community contour over the applicant's licensed community, we require that the applicant demonstrate that are no other sites available to better serve the community of license. As noted above, the staff has concluded that KFCC(AM) does not provide principal community coverage to Bay City in accordance with the Commission's Rules. Furthermore, we note that Chameleon has failed to state whether it has investigated the availability of other sites to better serve Bay City. Therefore, please address the following:

2. **Furnish a showing demonstrating that no better site - other than the Harris County Site - exists from which KFCC(AM) can maintain coverage as closely as possible to the licensed service, including principal community contour coverage of Bay City, Texas.**

Third, operations authorized under STA, absent the filing of a formal application, are specifically "temporary" in nature. See 47 C.F.R. § 73.3516. For an STA necessitated by technical problems, a grant of STA may be restricted to an initial period not to exceed 90 days, with only a limited number of extensions permitted. See 47 C.F.R. § 73.1635(a)(4). Recognizing that operations pursuant to a STA are intended to be limited,⁸ and mindful of Section 319(a)'s statutory prohibition against premature construction,⁹ we are disinclined to grant such authority in cases where the applicant intends a construction of permanent facilities. For this reason, the staff denied Chameleon's initial STA request on April 21, 1995 because it did not specify operations on an existing site. Chameleon's second request, however, appears to have indicated that operations could be commenced from an "existing 180' foot tower." Because the record is unclear as to whether Chameleon constructed the above-referenced tower in the interval between the staff's oral denial of the initial request, and Chameleon's May 12, 1995 submission of the amended request, please provide the

⁸ Section 73.1635's statutory origin is found in Section 309(f) of the Communications Act of 1943, as amended (Commission may authorize operations pursuant to "temporary authority" under "extraordinary circumstances").

⁹ "The overriding Congressional concern underlying Section 319 was the prejudicial effect that a substantial expenditure of funds for construction would have on the Commission's consideration of a particular application." Patton Communications Corp., 48 RR2d 349 (1980).

following information for the Harris County Site:

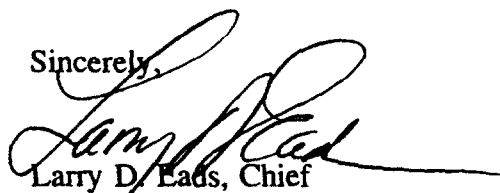
3. **Provide: (a) the name, address and telephone number of the site owner; (b) any lease or written agreement providing for Chameleon's access to the site; (c) whether Chameleon's principals, or its officers or directors, directly or indirectly, ordered construction of a tower on that site and if so, the date construction of the tower began; (d) the name, address and telephone number of the tower construction contractor; and (e) provide a copy of the FAA filing discussed in the April 21, 1995 STA request and a copy of the FAA Determination of No Hazard.**

Finally, although the Commission was notified that the consummation of the assignment of KFCC(AM) to Chameleon had occurred, the exact date that consummation occurred was not identified. Therefore, please provide the following:

4. **Provide the exact date of consummation of the assignment of KFCC(AM) from Landrum to Chameleon (BAL-950216EA).**

Please file the above-requested information within **ten (10) days** of the date hereof. As noted above, the subject STA expires on August 1, 1995. For administrative convenience, we will extend the subject STA to cover this ten-day period. Further extensions will not be contemplated absent a sufficient showing that an extension is warranted. Please file a copy of your response with the Office of Secretary to the attention of Mr. James Burtle. Also, please simultaneously file a copy of your response by facsimile to Mr. James Burtle at 202-418-1410. A courtesy copy of your response must also be served upon counsels for South Texas and Whitehead.

Sincerely,


Larry D. Eads, Chief
Audio Services Division
Mass Media Bureau

cc: James P. Riley, Esquire
John Joseph McVeigh, Esquire
CIB Houston

APPENDIX 9



FCC/MELLON AUG 04 1995

KIOX

1270 AM

Chameleon Radio Corporation
(713) 575-1270 Fax: (713) 564-8653

10865 Rockley Road Houston, TX 77099 P.O. Box 1235 Stafford, TX 77497

Houston's Unique Talk and International Language Station

August 1, 1995

Larry Eads, Chief
Audio Services Division
Federal Communications Commission
1919 M St., N.W.
Washington, D.C. 20554

Re: Request for extension of STA granted May 5, 1995

Mr. Eads:

Please consider this letter the formal request of Chameleon Radio Corporation, licensee of radio station KIOX (Bay City, Texas) for extension of the Special Temporary Authorization granted May 5, 1995, as modified May 12, 1995. Transmitted with this request for extension is FCC Form 301 which seeks to make the STA the permanent KIOX transmitter location.

The merits of the extension requested herein are dealt with under separate cover in response to your Letter of Inquiry (1800B3-KDY), the complete text of which is incorporated into the request by reference.

The applicant certifies that no party to the application is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, U.S.C. Section 862.

Respectfully Submitted,

Don Werlinger, President

Federal Communications Commission	
Docket No. <u>96-173</u>	Exhibit No. <u>App 9</u>
Presented by <u>Chameleon</u>	
Disposition	Identified <u>X</u>
	Received <u>X</u>
	Rejected <u> </u>
Reporter <u>98</u>	

APPENDIX 10

Before the Federal Communications Commission
Washington, D.C. 20554

Chameleon Radio Corporation
Licensee:
Radio Station KFCC
Bay City, Texas

Has: 1270 kHz, 1 kw - U, DA-N

Seeks: 1270 kHz, 2.50 kw - D, 0.850 kw - N, U, DA - 2
Change City of License To
Missouri City, Texas

Federal Communications Commission	
Docket No. <u>96-173</u>	Exhibit No. <u>app 10</u>
Presented by <u>Chameleon</u>	
Disposition	Identified <u>X</u>
	Received <u>X</u>
	Rejected _____
Reporter <u>YS</u>	
Date <u>2-24-97</u>	

①

Approved by OMB
3060-0027
Expires 6/30/95

FCC 301

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FOR
FCC
USE
ONLY

APPLICATION FOR CONSTRUCTION PERMIT
FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY

FILE NO.

Section 1 - GENERAL INFORMATION

1. APPLICANT NAME

Chameleon Radio Corporation

MAILING ADDRESS (Line 1) (Maximum 35 characters)

10865 Rockley Road

MAILING ADDRESS (Line 2) (If required) (Maximum 35 characters)

CITY

Houston

STATE OR COUNTRY (If foreign address)

Texas

ZIP CODE

77099

TELEPHONE NUMBER (Include area code)

(713) 575-1270 fax 564-8653

CALL LETTERS

KFCC

OTHER FCC IDENTIFIER (IF APPLICABLE)

formerly KIOX AM

FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION 1 - GENERAL INFORMATION B.

2. A. Is a fee submitted with this application?

☒ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) and go to Question 3.

☐ Governmental Entity

☐ Noncommercial educational licensee

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

(A)	(B)	(C)	FOR FCC USE ONLY									
FEE TYPE CODE	FEE MULTIPLE (If required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)										
(1) <table border="1"><tr><td>M</td><td>U</td><td>R</td></tr></table>	M	U	R	<table border="1"><tr><td>0</td><td>0</td><td>0</td><td>1</td></tr></table>	0	0	0	1	<table border="1"><tr><td>\$2,590.00</td></tr></table>	\$2,590.00	<table border="1"><tr><td></td></tr></table>	
M	U	R										
0	0	0	1									
\$2,590.00												

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)	FOR FCC USE ONLY									
(2) <table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td>0</td><td>0</td><td>0</td><td>1</td></tr></table>	0	0	0	1	<table border="1"><tr><td>\$</td></tr></table>	\$	<table border="1"><tr><td></td></tr></table>	
0	0	0	1									
\$												

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE.
THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED
WITH THIS APPLICATION

\$2,590.00

FOR FCC USE ONLY

3. This application is for: (check one box)

☒ AM

☐ FM

☐ TV

2

(b) Channel No. or Frequency

1270 kHz

(b) Principal
Community

City

Bay City

State

TX